

LOUISIANA WILD LIFE AND FISHERIES COMMISSION

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P R O C E E D I N G S

BOARD MEETING

Tuesday, March 23, 1976

10:00 o'clock a.m.

DOYLE G. BERRY,
Chairman

Wild Life and Fisheries
Building
400 Royal Street, Room 102
New Orleans, Louisiana

Kathryn G. Chamberlin,
Reporter.



Helen R. Dietrich, Inc.
Stenotypists

333 ST. CHARLES AVENUE, SUITE 1221
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P R O C E E D I N G S

. . . The regular monthly meeting of the Board of Louisiana Wild Life and Fisheries Commission was held on Tuesday, March 23, 1976, commencing at 10:00 o'clock a.m., Doyle G. Berry, Chairman, presiding.

PRESENT WERE:

DOYLE G. BERRY, Chairman

HARVEY CLAY LUTTRELL, Vice Chairman

MARC DUPUY, JR., Member

JERRY JONES, Member

JEAN LAPEYRE, Member

JIMMIE THOMPSON, Member

DONALD F. WILLE, Member

J. BURTON ANGELLE, Director.

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A G E N D A

1. Approval of minutes of January 27, 1976. (5)

DR. LYLE ST. AMANT

2. Request from Louisiana Materials Company, (6)

Inc., for permit to remove sand, gravel
and/or fill material from the Mississippi



River at Mile Posts 163 AHP to 165 AHP
and Mile 131 AHP to 133 AHP.

3. Request from Atlas Construction Co., Inc. for (7)
a permit to remove fill material from
the Mississippi River, left descending
bank, central to points about 48, 54.2
and 58.3 miles AHP, near Devant, Plaque-
mines Parish, Louisiana.
4. Request from T. L. James & Company, Inc., for (8)
a renewal of permit to remove fill mater-
ial from the Mississippi River at
Hahnville, Louisiana.
5. Renewal of permit to remove fill material (10)
from the Mississippi River near Bohemia,
Louisiana, between Mile 44.8 and Mile
45.8 by Atlas Construction Co., Inc.,
from March 23, 1976.
6. Request for permit to dredge sand and gravel (11)
from the Mississippi River: (1) Along
middle bar opposite Delta Point Revet-
ment, Mile 436.6 to Mile 437.5 AHP, and
(2) Along face of middle bar opposite
below Racetrack Dikes, Mile 429.5 to



Mile 431.5 AHP. *Central States Dredging Co.*

MR. RICHARD YANCEY

7. Consider whether to rejoin Mississippi Flyway Council. (12)
8. Consider request from Arkansas Game and Fish Commission for 500 alligators for restocking purposes. (18)
9. Consider request from Mississippi Game and Fish Commission for 500 alligators for restocking purposes. (18)
10. Discuss the possible purchase of land just below Cheniere Lake on Ouachita Parish. (20)
11. Discussion of purchase of 49-acre tract in Ouachita Parish - adjacent to Ouachita Wildlife Management Area. (22)
12. Discussion of purchase of Roy O. Martin tract (80 acres in Avoyelles Parish - adjacent to Pomme de Terre Wildlife Management Area. (23)
13. Discussion of Thomas tract. (28)
14. Discussion of Point-au-fer tract. (24)

MR. HARRY SCHAFFER

15. Consider extension of oyster season on East side in selected areas. (37)



MR. ALLAN ENSMINGER

16. Request from Mr. Roland Mongrue for authorization to use airboat in conjunction with mineral activity on Salvador Wildlife Management Area. (62)

MR. JOE HERRING

17. Award fence contract on Spring Bayou Wildlife Management Area. (65)

OTHER BUSINESS

- Statement in support of Louisiana Wildlife Workers Association. (68)

- Set special meeting to hear appeal of permit issued to Gifford Hill, Incorporated. (70)

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CHAIRMAN DOYLE G. BERRY: We will call the meeting to order, please. This is the smallest crowd we have had for a meeting in a long time, but we are glad to have you with us, anyhow.

The first item on the agenda this morning is a motion to approve the minutes of the meeting of January 27.



MR. WILLE: I so move.

MR. THOMPSON: Second.

THE CHAIRMAN: Moved by Mr. Wille and seconded by Mr. Thompson. Any objection?

(No response)

So ordered.

Let's see, Harry, I believe you are going to take Dr. St. Amant's place. He is ill, I believe.

MR. HARRY SCHAFER: Mr. Chairman and Members of the Board, we have some items, permits and renewals. The first one is a request for a permit to remove sand, gravel and fill material from the Mississippi River from Mile 163 AHP to Mile 165 by Louisiana Materials. Dr. St. Amant has checked this out and finds that it meets all the requirements of the Commission and he would recommend approval.

MR. JONES: So move.

MR. WILLE: Second.

THE CHAIRMAN: Moved by Mr. Jones and seconded by Mr. Wille. Is anybody opposed to it?

(No response)



So ordered.

(The full text of the
resolution is here made
a part of the record.)

BE IT RESOLVED that the
Louisiana Wild Life and Fisheries
Commission does hereby grant permission
to the Louisiana Materials Company, Inc.
to remove sand, gravel and/or fill
material from the Mississippi River
at Mile Posts 163 AHP to 165 AHP and
Miles 131 AHP to 133 AHP for a period
of one year from March 23, 1976 to
March 23, 1977.

MR. SCHAFER: The next item is a request
from the Atlas Construction Company for a permit
to remove fill material from the Mississippi River,
left descending bank, central to points about 48,
54.2 and 58.3 miles AHP in Plaquemines Parish.
This is a new request for a permit -- I am sorry,
this is a request for a renewal, and Dr. St. Amant
finds it all in order and he would recommend the
approval.



MR. THOMPSON: I so move.

MR. LAPEYRE: Second.

THE CHAIRMAN: Moved by Mr. Thompson,
seconded by Mr. Lapeyre. Any objections?

(No response)

So ordered.

(The full text of the
resolution is here made
a part of the record.)

BE IT RESOLVED that the
Louisiana Wild Life and Fisheries
Commission does hereby grant permis-
sion to Atlas Construction Co., Inc.,
to remove fill material from the
Mississippi River, left descending
bank, central to points about 48,
54.2 and 58.3 Miles AHP, near Devant,
Plaquemines Parish, Louisiana, for
a period of one year from March 25,
1976 to March 25, 1977, at a royalty
rate of five cents per cubic yard.

MR. SCHAFER: We have a request from
T. L. James & Company for renewal of a permit to



remove fill material from the Mississippi River at Hahnville. Dr. St. Amant says all is in order and he would recommend the approval of this renewal.

THE CHAIRMAN: You have heard the recommendation.

MR. WILLE: I so move.

MR. LAPEYRE: Second.

THE CHAIRMAN: Moved by Mr. Wille, seconded by Mr. Lapeyre. Any objection?

(No response)

So ordered.

(The full text of the resolution is here made a part of the record.)

BE IT RESOLVED that the Louisiana Wild Life and Fisheries Commission does hereby grant permission to T. L. James & Company, Inc. to remove fill material from the Mississippi River at Hahnville, Louisiana, for a period of one year beginning March 25, 1976, to March 25, 1977, at a royalty rate of five cents per cubic yard.



THE CHAIRMAN: Thank you, Mr. Schafer.
Have you got anything else?

MR. SCHAFFER: We have a request from
Atlas Construction Company to remove fill material
from the Mississippi River between Miles 44.8 and
Mile 45.8 AHP, near Bohemia, Louisiana, which Dr.
St. Amant has reviewed and finds in order.

MR. WILLE: Move approval.

MR. JONES: Second.

THE CHAIRMAN: Moved by Mr. Wille and
seconded by Mr. Jones. Is there any opposition?

(No response)

So ordered.

(The full text of the
resolution is here made
a part of the record.)

BE IT RESOLVED that the
Louisiana Wild Life and Fisheries
Commission does hereby grant permis-
sion to Atlas Construction Co., Inc.
to remove fill material from the
Mississippi River near Bohemia,
Louisiana, between Mile 44.8 and



and Mile 45.8 AHP for a period of one year from March 23, 1976 to March 23, 1977, at a royalty rate of five cents per cubic yard.

MR. SCHAFFER: We also have a request from the Central States Dredging Company to remove sand and gravel from two areas, along the middle of the bar opposite Delta Point and along the face of the middle bar opposite Racetrack Dikes. He has examined the request and finds all in order and he would recommend the approval.

THE CHAIRMAN: Gentlemen, you have heard the recommendation.

MR. LAPEYRE: So move.

MR. DUPUY: Second.

THE CHAIRMAN: Moved by Mr. Lapeyre and seconded by Mr. Dupuy. Any objections?

(No response)

Hearing none, so ordered.

(The full text of the resolution is here made a part of the record.)

BE IT RESOLVED that the



Louisiana Wild Life and Fisheries Commission does hereby grant permission to Central States Dredging Company to remove sand and gravel from the Mississippi River in the following locations:

- (1) Along middle bar opposite
Delta Point Revetment,
Mile 436.6 to Mile 437.5
AHP; and
- (2) Along the face of middle bar
opposite below Racetrack
Dikes, Mile 429.5 to Mile
431.5 AHP,

for a period of one year from March 25,
1976 to March 25, 1977.

MR. SCHAFER: Thank you, Mr. Chairman.

THE CHAIRMAN: Mr. Yancey, I believe we
are ready for you, sir.

MR. RICHARD YANCEY: Mr. Chairman and
Members of the Commission, in 1968 the Louisiana
Wild Life and Fisheries Commission formally with-
drew from the Mississippi Flyway Council, which is
an organization that is made up of the 14 state



game and fish departments in the Mississippi Flyway, the reason being at that time that there had been various disagreements over the recommendations that were being submitted to the Fish and Wildlife Service on the annual establishment of hunting regulations. In 1968 the Council voted to discontinue the September teal hunting season and that was more or less the straw that broke the camel's back and the Commission withdrew from the Council.

Recently we have been contacted by the president and chairman and other members of the Mississippi Flyway Council and urged to rejoin the organization. Likewise, Mississippi and Alabama have also been requested to rejoin the organization. They formally withdrew last fall, primarily for the same reason we withdrew in 1968. There have been meetings with the members of the Flyway Council and agreements were reached that if the southern states did rejoin the Council that the six states in the South would have their technicians meet and their administrators meet and formulate their own recommendations on hunting regulations and work in the direction of trying to get



these hunting regulations established independently from whatever action the states in the North may be willing to take.

This more or less brings us up to date. What we would suggest at this time is that the Commission take no action at this particular meeting, that we consider the matter further, and that we meet and talk with some of the interested sportsmen in Louisiana to determine just what action they feel the Commission should take and then we can bring it up at the next meeting or the one after.

Now about ten days ago there was a meeting of 12 states in the Flyway at the Rockefeller Refuge and Mississippi and Alabama were represented there, and the only commitment we made was that when we move, we would move together as three states. We either go back in as three states or perhaps we stay out as three states and continue to work cooperatively here in the South, as we have been doing for the past several months.

MR. DUPUY: Mr. Yancey, have the other states of Alabama and Mississippi made up their minds as to what their position will be?



MR. YANCEY: Well, Mississippi feels that our hand would be strengthened working as six states rather than as one or two or three, on behalf of getting the type of hunting regulations we feel are necessary here in the South. Alabama hasn't said. They are in the same situation we are in, they are still taking the matter under consideration, but Mississippi does apparently feel that our hand would be stronger working together as six states rather than independently as one or two or perhaps three states working together, in getting what we want in August in the way of waterfowl hunting regulations.

THE CHAIRMAN: Does anybody have any objection to taking Mr. Yancey's recommendation that we let the thing stay where it is for the time being until we get some more input? Mr. Thompson?

MR. THOMPSON: You were looking for a motion?

THE CHAIRMAN: Not necessarily a motion.

MR. THOMPSON: Let it just go by the board.



(The full text of the
resolution is here made
a part of the record.)

WHEREAS, Louisiana has received
an invitation to rejoin the Mississippi
Flyway Council, and

WHEREAS, the Flyway Council
met at the Rockefeller Refuge on
March 5, 1976 for purposes of discus-
sing its invitation with Mississippi
and Alabama as well as Louisiana, and

WHEREAS, it was agreed that
if Louisiana, Mississippi and Alabama
rejoined the Flyway Council these
three states along with Arkansas,
Tennessee and Kentucky will through
separate meetings of administrators
and technicians develop recommendations
on waterfowl hunting regulations
separately and independently from
the northern states in the Mississippi
Flyway and have representatives present
at all joint meetings called by the



Fish and Wildlife Service pertaining to hunting regulations for the purpose of presenting recommendations from the South, and

WHEREAS, additional time is needed to obtain comments from interested sportsmen in Louisiana as well as letters from the U. S. Fish and Wildlife Service regarding their attitudes on this matter,

NOW THEREFORE BE IT RESOLVED that the Louisiana Wildlife and Fisheries Commission does hereby take this matter under advisement for thirty to sixty days in order that additional comment and information may be received prior to making a decision.

THE CHAIRMAN: Good. Let's move on to the next one, Mr. Yancey.

MR. YANCEY: We have request from both the Arkansas and the Mississippi Game and Fish Commissions, who would like to have 500 alligators



each from Louisiana, to be used for restocking purposes in their states. Now this would more or less be a continuation of the program that we have had in the past two or three years. We furnished both of those states with alligators and we would like to recommend that the Commission approve of their requests.

Presumably most of these alligators would be taken from the Commission's wildlife refuges. Probably Marsh Island would be the main source. We would like to recommend that the Commission approve these requests.

MR. THOMPSON: Mr. Chairman, I would like to so move and I would like to say that Mr. Berry, in his defense, did not request that an equal number of moccasins be sent to these two states, because they seem to be rather friendly toward us.

MR. JONES: Second.

THE CHAIRMAN: Moved by Mr. Thompson and seconded by Mr. Jones. Thank you for your kind comments, Mr. Thompson. Any objections?

(No response)



Hearing none, so ordered.

(The full text of the
resolution is here made
a part of the record.)

WHEREAS, requests have been
received from the Arkansas Game and
Fish Commission and the Mississippi
Game and Fish Commission for 500
alligators each to be used for
restocking purposes in their respec-
tive states, and

WHEREAS, over-populations
of alligators exist on some of the
coastal wildlife refuges, particularly
Marsh Island, Sabine and Rockefeller,
and

WHEREAS, removal of some of
the excess animals would be beneficial
to all forms of wildlife,

NOW THEREFORE BE IT RESOLVED
that the request of both the Arkansas
and Mississippi Game and Fish Commis-
sions for 500 alligators to be used



for restocking in their states is hereby approved.

BE IT FURTHER RESOLVED that the Arkansas and Mississippi Commissions should obtain the necessary federal permits to trap and transplant these animals and that they furnish the personnel to carry out this program.

MR. YANCEY: We have a request that we look into the possibility of acquiring the land that lies immediately south of the dam for Cheniere Lake, which is just west of West Monroe in Ouachita Parish. We looked at this 12-1500 acres of land about eight or ten years ago with the idea of possibly acquiring it and establishing it as either a lake or a green timber waterfowl hunting area, small game management area, but at that time no action was taken.

We have been requested again to look into the possibility of acquiring that land and determining what the potential for wildlife management would be. We would suggest that we have the



Game Division make a study up there and report back to the Commission at the next or perhaps the June meeting of the Commission. All I am recommending at this time is we make a study of it and give you a report back at one of your forthcoming meetings.

MR. DUPUY: I so move.

THE CHAIRMAN: Moved by Mr. Dupuy. Is there a second?

MR. WILLE: Second.

THE CHAIRMAN: Mr. Wille seconds it.
Any objection?

(No response)

So ordered.

(The full text of the
resolution is here made
a part of the record.)

WHEREAS, the Louisiana Wild
Life and Fisheries Commission has been
requested to look into the possibility
of purchasing and establishing a wild-
life management area on certain lands
located immediately below the Cheniere



Lake Dam in Ouachita Parish,

NOW THEREFORE BE IT RESOLVED
that the Game Division conduct a survey
in this area to determine its potential
for acquisition and development as a
wildlife management area, and

THEREFORE BE IT RESOLVED that
the Game Division shall report back to
the Commission at a later date as to
its findings.

MR. YANCEY: Recently the Commission
purchased 3,000 acres of land in Ouachita Parish
and established a Ouachita Wildlife Management
Area. This is a bottomland hardwood tract that
lies on the western bank of Lafourche Canal and
right in the southeastern corner of this property
there is a 49-acre that we need to purchase and
it can be acquired for \$210 per acre, which is
the same price we paid for the 3,000-acre tract.

We would like to recommend to the Com-
mission that they approve of the purchase of this.
It has been appraised and evaluated and it does
meet all the requirements that we have for the



purchase of land.

THE CHAIRMAN: Gentlemen, you have heard the recommendation.

MR. THOMPSON: I so move.

MR. JONES: Second.

THE CHAIRMAN: Moved by Mr. Thompson and seconded by Mr. Jones. Any objection?

(No response)

Hearing none, so ordered.

MR. YANCEY: The next item on the agenda really it is not necessary that you take action on this. I believe you have approved the purchase of that tract at your May meeting. I don't know why it is still on the agenda. This is really being mentioned for informational purposes, that that 80-acre tract would be acquired by purchase and made a part of the Pomme de Terre Wildlife Management Area. The price on that is \$160 an acre and it is within the appraised value of the land.

Is Dewey Wills here? What was the price on this?

MR. DEWEY WILLS: \$160.



MR. YANCEY: \$160, O. K., but it is not necessary that you take any action on this now.

The next item on the agenda is a subject that has been discussed at other meetings. It has to do with the possible acquisition of the Point-au-fer Island area in Terrebonne Parish, which comprises 47,176 acres of marshland.

We have received an agreement to buy and sell from the property owners and they are offering the land to the Commission for a price of \$125 per acre. This would be a total price of \$5,897,007. As we all know, this property lies in the southwestern corner of Terrebonne Parish. It is a very high quality marsh. It is very productive of various forms of wildlife. It has a good deer herd. The furbearers include muskrat, nutria, otter and mink. It is very heavily used by wintering waterfowl, both geese and ducks. Certainly it would be a welcome addition to the Commission's wildlife management area program if it could be acquired.

At this time, of course, we do not have the money. All of this year's land acquisition



money is already obligated for other purchases, but it is certainly something that would merit looking into. It would have to be appraised to determine just what the actual market value of the property is, but we would like to suggest to the Commission that we check out all angles and look into the possibility of acquiring this property.

We have a map here that shows Point-auf-fer Island, in orange (exhibiting map). This is a very solid block of land. It has two or three school sections in it. It lies, as we all know, on the edge of Four League and Atchafalaya Bay and we also know that Atchafalaya Bay is filling in rapidly with the mud flat areas extending down into this area, and geological projections indicate that this area of Point-auf-fer Island will become solid land by about 1995, which is only a few years away, so this is another consideration.

It is a good healthy marsh and would certainly provide a tremendous acreage for outdoor recreation and public use through hunting and fishing and boating if it could be acquired.

We would like to recommend at this time



that we check out all possible angles toward the possible acquisition of this property.

MR. JONES: Is there anything we need to do today?

(In the temporary absence of the Chairman, Mr. Dupuy assumed the Chair.)

MR. DUPUY: Gentlemen, the Chairman is out for just a moment. He expressed the desire that the Director be authorized to look into the possibility of financing the purchase at this time and take the matter under advisement at this time.

I would so move.

MR. WILLE: Second.

MR. DUPUY: It has been moved and seconded that the Director be authorized to determine the availability of monies for the purchase and report back to the Board.

Is there any opposition? Any further discussion?

(No response)

So ordered.



(The full text of the
resolution is here made
a part of the record.)

WHEREAS, the Commission has
received an agreement to purchase
47,176 acres of land located on Point-
au-fer Island in Terrebonne Parish for
\$125 per acre or a total of \$5,897,007.50,
and

WHEREAS, this tract of marsh-
land is extremely productive of resident
forms of fish and wildlife as well as
migratory birds, including deer, otter,
muskrat, nutria, raccoon, alligators,
various forms of marine life including
fish and crustaceans and large numbers
of wintering waterfowl such as ducks
and blue geese, and

WHEREAS, this area if acquired
has a potential for development as an
excellent wildlife management area and
could be substantially improved for
wildlife production and public outdoor



recreation,

NOW THEREFORE BE IT RESOLVED that the Director and staff begin to examine the possibilities for acquisition, particularly as related to obtaining the necessary funds to appraise and acquire the property during the next fiscal year beginning July 1, 1976.

MR. YANCEY: We have another offer of land to the Commission. It is 18,500 acres of land lying in St. Tammany Parish. It is actually known as the old Thomas tract. The offer is presented under an option plan; there are three options outlined in the offer.

Option 1 would be \$258.60 per acre with the Commission getting minerals, timber and land. Option 2, the vendor would reserve the mineral rights and the price on the land then would be \$242.45 an acre. Option 3, the vendor would reserve the mineral rights in perpetuity and the timber rights for 20 years, and this would bring the price down to \$150 per acre.

Now, when we say timber rights, this



would mean that they could remove all hardwood timber down to a diameter of 16 inches and cypress down to a diameter of 18 inches, right on through this 20-year period.

Now, if you will recall, just immediately south of this tract of land in the Pearl River Basin, we acquired a large tract of land and paid \$125 an acre for it and we also got all timber rights along with the title to that particular tract of land, so this price is considerably higher than we paid for the existing Pearl River Game Management Area, which lies immediately east of Slidell. But this is an offer that we wanted to give you the information on.

Here again we are in the same boat. We do not have any money left over to even consider the acquisition of this piece of property of such magnitude during this fiscal year, and what we will have available beginning July 1, 1976 will remain to be seen.

MR. WILLE: Will this offer expire prior to that?

MR. YANCEY: This offer is only good for



about thirty days.

MR. THOMPSON: Don't let that influence you. We have been having that offer for 12 years!

MR. YANCEY: Yes, this offer has been floating around for years and years. It is no question but what it is one of the highest quality wildlife ranges in the state, but the price has always been beyond what we were able to pay.

MR. THOMPSON: What was the first offer, do you remember?

MR. YANCEY: The first time this land was ever offered to the Commission it was down around \$100 an acre, but it has always been about 30 percent higher than what we felt the market value was.

MR. WILLE: How do we stand on an appraisal of the thing? Do you think the land will appraise up to the price that they are asking? With the mineral rights and the timber rights.

MR. YANCEY: Well, I wouldn't have any idea at this point what it would appraise for, but this is substantially over what we paid for land immediately to the south of this, and that land appraised for \$125, which is what we paid for it.



MR. WILLE: And that included mineral rights?

MR. YANCEY: No, that included all timber rights.

MR. WILLE: The mineral rights have got to be worth something.

MR. YANCEY: Well, they apparently calculate the mineral rights here to be worth about \$16 per acre, because under one option you get the mineral rights at \$258 an acre. Under the other option, with the vendor reserving the mineral rights, the price would be \$242, so apparently they would calculate the mineral rights as being worth about \$16 per acre. They feel that the timber on this, you know, during this 20-year period, would be worth about \$92 per acre to them.

MR. WILLE: Dick, actually we don't have the money to do anything with it right now.

MR. YANCEY: We need to answer the letter. We need to write the people.

MR. WILLE: All right, tell them we certainly would like to consider purchasing the land and are interested in it but right at the present



we do not have the funds to do it, if that is in order, Marc.

DIRECTOR ANGELLE: Include it with the other tract, to determine if there is any finances available elsewhere in the state besides Wild Life and Fisheries for the possible purchase of this property and report back to the Board.

MR. THOMPSON: Let me say something, if I may, with regard to this thing. Gentlemen, don't misunderstand me. Let it be crystal clear that personally I would love to own this piece of property and I have been on a deal to buy it ten times, personally, not for the Commission, but my knowledge is that about two, possibly three, and I don't know the exact times years ago, they cut the major portion of the merchantable timber on the land, which therefore would make the appraisal value much lower than they have got it advertised.

The fact is, if it were a buy, I probably would have bought it now. I just don't see how, unless they come off that price. What I am saying is, if we get interested in it, I would be in favor of us making them a lesser offer for the land, if



ever.

MR. WILLE: Well, yes, when we get the money we can do that, Jim, but there is no sense in even making them an offer now.

MR. DUPUY: For the present time, I think Don's motion was that we advise in a responsive letter that we are interested in the tract but have no money at the present time to buy it, and that we would possibly look into the possibility of some other agency of the state that might be able to acquire it.

MR. YANCEY: Well, there is no other agency that I am aware of --

MR. DUPUY: Well, some other means of financing it.

MR. YANCEY: Some other means, O. K.

MR. DUPUY: Is there a second on that?

MR. LAPEYRE: Shouldn't that also indicate in the letter that the price is not acceptable?

MR. YANCEY: Well, the price is well above what we have paid in the past for similar land in the same area.

MR. LAPEYRE: It seems like we ought to



have some indication in there that our interest would be contingent upon both the availability of money and a better price.

MR. WILLE: I can add to the motion, Mr. Chairman, if nobody has any objection, that we do feel the price is rather high and that even at the time we did get the funds or we could get the funds, we would certainly have to reconsider the price

MR. JONES: Second.

THE DIRECTOR: The Commission will not buy it over the appraised value, so whatever that appraised value at that time might be, that is going to be their offer

MR. DUPUY: Moved by Mr. Wille and seconded by Mr. Jones. Any further discussion? Any opposition?

(No response)

Hearing none, so ordered.

(The full text of the resolution is here made a part of the record.)

WHEREAS, the Commission is in receipt of an offer to sell 18,500 acres



of land located in the Pearl River Basin in St. Tammany Parish, and

WHEREAS, this offer to sell was received under cover letter dated March 8, 1976 and signed by James E. Smitherman and John J. Dailey, and

WHEREAS, the offer was made depending upon acceptance of one of three options (1) the purchase of land with minerals and timber, or (2) the land without the minerals, or (3) the land without the timber for a period of twenty years within certain diameter limitations and minerals reserved in perpetuity, and

WHEREAS, the Commission has recently acquired major tracts of land in the Pearl River Basin immediately south of this tract for prices well below those stipulated in the three options, and

WHEREAS, the Commission does not have the necessary funds at this



time although it is well recognized that this property would make an excellent wildlife management area,

NOW THEREFORE BE IT RESOLVED that the seller be advised that the Commission does not have the funds necessary to acquire this property at this time and will not be in a position to initiate action within the time frame set forth in the offer to sell.

MR. DUPUY: All right, Mr. Schafer.

NO HIATUS HERE.

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PAGE.



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MR. HARRY SCHAFFER: Mr. Chairman and Members of the Commission, back in January we recommended and it was approved by you with the concurrence of the Louisiana Oyster Dealers and Growers Association to close the oyster season April 15. Last week we received a request from a couple of oyster fishermen from the east side to extend the season a month.

They had requested this and were told that if they got some support from other members of the industry that we would consider it. In this morning's mail I got a letter from the St. Bernard Police Jury, saying that they had passed a resolution, requesting that we extend the season from April 15 to May 15, 1976.

Mr. Kenny Fox is here and I think he has a petition with him, and we also have Ron Dugas, our field biologist out in this area. If you would like to hear from Mr. Fox now, then we will make a recommendation later.

MR. DUPUY: Yes, Mr. Fox, would you come to the microphone?

MR. KENNETH FOX: Gentlemen, I have a



request here from the oyster fishermen, signed. It says: "We, the undersigned oyster fishermen, request the Louisiana Wild Life and Fisheries Commission for an extension on the oyster seed ground area east of the Mississippi River. Enclosed is a map designating the area. We feel there is a large supply of marketable oysters in this area which would probably be destroyed due to predators. It is our desire to obtain some benefit from these oysters."

I have it signed by approximately 150 fishermen.

MR. LAPEYRE: Mr. Fox, what proportion of the industry involved there do you think is represented by those 150? The reason I ask is that this seems to be pretty much a parallel situation that we faced last year when we were requested to close the August shrimp season, which we did because we felt there was no biological reason not to do it, and we were attempting to be responsive to those people in the industry who favored this particular plan.

Shortly after we did it, a large



proportion of the industry came out in opposition to the closure and we were forced to reverse our position on it. I daresay the Commission would not like to be in that position again in this situation.

I, of course, have no objection to the harvesting of the oysters and, of course, we still have to have Harry's recommendation here, but I don't believe that the Commission should be put in that same position again.

MR. FOX: Right. Well, I tell you, this here represents approximately, I would say almost 100 percent of the fishermen from east of the River. We didn't go out and market this, you know, what we were going to do here. We just drew up this petition, this request, and we put it before the people that was working in the area, and asked them what they thought about it, and if they wanted to sign it, so everybody from the east bank of the River, I would say a large portion of them, anyway, because we didn't go out and ask everybody, but we showed them what we were going after and they was all agreeable with it.



Like I said, some of the people west of the River working private reefs I don't know, you know, what's their feeling toward this but we have a large group here. We have got about 150 people that were in favor of this.

MR. LAPEYRE: Do you know of any segment of the industry which would be opposed to it?

MR. FOX: I would have to let somebody come up and speak for themselves if they have anybody. Like I said, I don't know what the other people's feeling is away from our area. We just went into our area, you know. I can say this, we do have people that signed this petition from as far as Thibodeaux and Houma and this is people that are working there.

MR. THOMPSON: Are those licensed commercial fishermen or are those people that just care to fish, like maybe me, that I would like to. Are they licensed?

MR. FOX: Not everyone. Some of them are licensed people and some are people that work on licensed vessels. They are people that work on licensed vessels, I will put it that way. These



are people that make their living on these vessels.

MR. DUPUY: Mr. Fox, did you state whom you represented? Are you a representative of an oyster association?

MR. FOX: Not right now. We are in the process of forming one but this is a group that, like I said, I have a gentleman, Mr. Robbin, from the St. Bernard area, and I am representing the Plaquemines area east of the River.

MR. DUPUY: You are just the spokesman for this group of people?

MR. FOX: Right.

MR. DUPUY: Does the other gentleman wish to speak also? Yes, sir, come on, please, to the microphone. Thank you very much.

MR. PETER VUNOVICH: Mr. Chairman, Commission, my name is Peter Vunovich. I have been here many times before and I believe I had, when I was the president of the Louisiana Oyster Dealers and Growers Association, I had lots to do with passing this law of closing the season early, because we have such a great amount of boats. We have almost depleted the state seed ground, plus



due to the fact we had to open the Bonnet Carre Spillway, was lucky for the past three years, and we have been reaping the harvest of it.

Right now I have been listening to Mr. Kenny Fox and people with this suggestion. I cannot recommend which way to go but if the Commission leaves it open, I would like that they go to the three-inch law, that no oysters be fished from this area unless it is three inches, for bedding purpose, for sacking purpose and for the steam factory purpose.

That is the only thing I have to say because I am buying oysters from that area. They are beautiful. They are salty. They are meaty. They are fat. But the only thing is I see a lot of little spat on there, about inch, two inches, three-quarters of an inch, and I am not in the area, I have not been out there with my boat, and how much of this they have in the shells in that area I do not know.

As far as the snails coming in, everything points to it that we will have them invading this area. But again, Mother Nature can change



things in the next couple of months. The river can come up. We have have sweet water and then they can be drove back again into the Gulf.

So, as I say, that is the only suggestion that I could say and as for the Association, we have asked the Commission to close the season on the 15th and we didn't have any meeting or anything so I don't know which way my fellow members would go, but I do ask if the area is to be opened that the three-inch law be strictly enforced. Thank you.

MR. DUPUY: Thank you very much. Harry, do you want to give us a little bit further comment, please?

MR. SCHAFER: I have Mr. Ron Dugas, our biologist from the area. He could give you some information on the production out there and what is out there and what we expect to be out there, if you want to hear this. If not, we will go ahead.

MR. DUPUY: What about your view? We would like to hear a recommendation from you but also would like for you to express a little bit further your reservations that you had expressed



with regard yesterday to the seed area, to the west.

MR. SCHAFER: O. K. I spoke to A. J. Buquet, who is the president of the Association, yesterday, trying to get some feeling from him, and he said the same thing that Pete did, that he could not speak until after they have a meeting. Personally he thought that if there were harvestable oysters out there, he thought that the oyster fishermen should be able to get them before the conks got them.

CHAIRMAN BERRY: Excuse me. Let me ask this. When could this gentleman here and A. J. meet with their people and give us some feedback? If so, could we kind of leave this in your and the Director's hands, if you get the proper feedback, that you go ahead and extend the season. If you don't get the proper feedback, then you will leave it as scheduled to close.

MR. SCHAFER: You could authorize the Director to extend the season if you so desire, and then he can do it after we get more information from the Association.



MR. DUPUY: Do they need a 30-day notice of publication?

MR. SCHAFER: If you did this, it would have to be on an emergency basis. That is the only way we can get it through the public information law.

MR. WILLE: Let me ask you this, Harry. We just went through this whole nine yards before and if we make the motion, we had better make the motion to include that he can close it without notice at any time, because if you don't, you will have the same thing happen as at Bistineau. When we shut down the nets we had to wait 45 days because of this. We did it on an emergency basis and we had to wait 45 days for the Register, you know, for it to come back again. This is a technicality, I know, but I think that the motion should include, if we empower the Director to go ahead and open the season, restrict it to three-inch oysters. This will be my motion.

MR. THOMPSON: Before you make your motion, let me say three things that enter my mind and I am not smart enough to know this but I heard



people say it, and I would like for this to be considered.

First of all, I would like to know what type of enforcement problem would be presented. Mr. Gillespie is back there. I don't know whether you want to get him to comment on it. Let me go through with my three points. The enforcement deal. The next thing, you told me sometime in our conversation yesterday, today, or something, that possibly the seed ground that would be closed would be disturbed by the boats going through. I mean, you could cause a damage to the seed grounds that are not open, which could be detrimental to future years.

MR. SCHAFER: Let me correct that impression. I said that if they dropped their dredges on the way out to the area or on the way in from the area, this could disturb it. This would be the enforcement problem that we would have. With our people out there and with Jimmie's help and with the help of the industry, this could be a minimum, but I would certainly like to have this in the motion that we could close it on a 24-hour



notice if we did get some violations out there of this sort.

MR. THOMPSON: O. K. Also, last year it happened that there was enough fresh water that the conks didn't move in and the oysters weren't depredated last year. It is possible this year -- where is the balance point there? Are we better off to leave them and gamble on them not being hurt this year for a better harvest next year, or would we be better off to take them this year and not take that gamble?

MR. SCHAFER: That is something you never know.

MR. THOMPSON: That is something you never know. That is between the Lord and the rain.

MR. SCHAFER: Right. That is why A. J. says, if they are out there, let's get them before something happens to them.

MR. FOX: In other words, these oysters we are talking about, they are already very large oysters. You know, they are already marketable. They won't be any use for bedding purposes next year at all because they are so big.



MR. THOMPSON: What would be the advantage if they weren't fished this year and the conks didn't get them, for next year what would be the advantage? Would there be any?

MR. FOX: They would have a better crop this year.

MR. THOMPSON: Go ahead with your motion.

MR. JONES: Let's hear from that biologist first.

MR. FOX: I have one more thing. On the problem of patrolling this here, we could put a stipulation in here that says that anybody that is caught in the closed area would relinquish his license for the remainder of the season, which would sure put in somebody's mind that if you crossed the line, that is it. The ball game's over with for you.

MR. THOMPSON: That's nothing. The last day I would go all over the place.

MR. FOX: Well, you couldn't do too much damage in the last day, though.

MR. THOMPSON: Well, the last three days, the last five days, week. I am not against you.



I am just wanting to find out what is the best for you. Whether you are going to make more money this year or next year. I know you have had an excellent season this year and I know you all's pockets ought to have a little in them, and I want you to get the most next year or this year. That's all I want.

Make your motion and leave it up to them.

MR. JONES: I want to hear the biologist.

MR. RON DUGAS: Mr. Chairman and Members of the Commission, I think most of the facts have been already brought out through the discussion here, but let me briefly explain to you what is at hand here.

(Displaying map) O. K., the area you see hatched off there is the area that we have designated as oyster seed ground and it is exactly that. The Commission as a whole has to manage it for seed oyster production. The problem has been, as many people point out, that '73 and '74 and again in '75 are excessive years in the way of fresh water, so what has happened is that all 600,000 acres you see here, because of salinity



14— intrusion, we had about this much (indicating) remaining in oyster seed ground. The rest of it was virtually nil in the way of oyster production because it was a high salinity area and the predators were there.

What has happened is that the area that was to be fished in '72 has pushed out on the outside edge. There are now oysters in areas that they were not present in '73 and '74.

O. K. We have gone through the seed oyster harvesting season. We have harvested oysters and it has been excessive. We feel that about 62 percent of what was there before the season opened has been fished already. It has been extremely excessive. However, there are still oysters remaining on the outside edge. Now the question was asked, how do you know these oysters will be there before, and as Harry pointed out, it is difficult to say. If the salinities maintain themselves, if we do not receive any more fresh water, these areas will probably be invaded with predators. If we receive fresh water, the probability would be there that the oysters will be remaining next year.



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It is a matter of, as Mr. Thompson pointed out, are you willing to gamble or not, but the point is these oysters on the outside edge are large oysters, three-inch oysters. There is some spat in some of the inside area. I want to point out the reason for making the closure is that we have shown in the past that May is the month that we first start getting small spat, small oysters start to set, and that is the reason we would not like to have fishing in that area when they are actually setting. From the data it is shown there is very little setting in April but it begins in May and that is the area we are trying to stop. But this outside edge, even if you received a lot of salt water, this outside edge, even though you have spat set, the survival would not be that great.

So, from a seed standpoint it is not that good, if salinities are high. If salinities are low, the oysters might remain there, and as Mr. Fox pointed out, they would be big oysters and their quality as seed oysters is questionable.

MR. JONES: What do you recommend?



MR. DUGAS: What do I recommend?

MR. THOMPSON: Let me ask you a question. Would I be correct to assume that the handwriting is already on the wall that we are not going to have the fresh water this year we have had for the past three high water years and, assuming this is correct and assuming we don't get all this spring these tremendous amounts of water, there is a better than 50-50 chance that the conks will get these oysters?

MR. DUGAS: From the river stages and from all indications right now I would say there is better than a 50-50 chance we are not going to get the fresh water. I was told in '74 by the Corps not to worry about this. I was told in '75 not to worry about the fresh water, but for three successive years we have had fresh water.

MR. BERRY: My feeling on this, I tell you, Jimmie, is that a bird in the hand is worth three or four in the bush.

MR. THOMPSON: I kind of agree.

MR. BERRY: They have got this bird in the hand. Now maybe we might compromise on



the dates, say not go on up in May a good ways. We might stop it the first of May or go through the fifth of May or something and give them a couple more weeks or 20 more days and let them harvest the oysters there now. I don't like to see corn stand in the field and rot and I think what we are going to do is leave these oysters out there and let something happen to them.

MR. JONES: Harry, what do you recommend?

MR. SCHAFER: Thank you! First, let me say that anything you do is not going to be right. (Laughter) You are going to have some controversy both ways. You have the same situation that you have with the shrimp. You have an east bank and you have a west bank. The east bank wants something and the west bank wants something.

MR. JONES: How far is your office from Ted O'Neil's office? (Laughter)

MR. THOMPSON: I think we ought to let Don Wille pass the buck and leave it on the Director and the biologists.

MR. BERRY: Well, I would like to



recommend to the Commission, from what I have heard here today, that we ought to extend the season to May first or fifth with the reservation that Harry has put in this map he has got here, the seed grounds, and the three-inch oyster size. I would like to offer that motion. Let's quit whipping this thing to death.

MR. SCHAFER: Mr. Chairman, before you pass on that, Mr. Buquet asked me to request for him that if you did extend this that he would like Bay Junop to remain also. Bay Junop is one of our seed reservations over in that area. It does have a lot of oysters. I think Ron was over there not too long ago and they have not been able to harvest these oysters because of the low water, and he had requested that we include this if the thing got extended.

MR. BERRY: I personally have no objection. What do you recommend?

MR. SCHAFER: You recommended that we do and Ron said that there are oysters over there, big oysters over there, and --

MR. BERRY: I didn't ask Ron what he



recommended. I asked what you are recommending.

MR. SCHAFFER: I recommend it be opened.

MR. JONES: I so move.

MR. BERRY: What do you move?

MR. JONES: What he recommended.

MR. THOMPSON: Well, I will second that.

MR. BERRY: You just have to go to the wall, Harry, whether you like it or not!

MR. DUPUY: Without having to restate the motion --

MR. JONES: Would you go ahead and restate it?

MR. WILLE: O. K. I would recommend that we go ahead and extend the season or empower the Director to extend the season after he received the input from these various other people that he has not gotten yet, like when the Oyster Association does meet, if they come up with an opposite recommendation, if necessary, Mr. Angelle wants to poll the Board members, he can, but I would like to empower within him the discretion of opening or closing, and I am saying opening or closing, I am saying that he should be empowered to close at



any time because we don't want this same mistake that we have made in the past on this administrative procedures act. So he will be empowered to extend the season. He will also be empowered to close it within 24 hours at any time. I think that we would be kind of getting around the administrative procedures act by doing this because if you just opened it without any option to close, it would have to wait 45 days or 90 days or somewhere around that. That is my motion, gentlemen.

MR. BERRY: What length of time do you --

MR. WILLE: Well, I am going by the recommendation of what -- I got April 15 on here and Harry, did you say through May 15? You kind of coughed when you got to that second date.

MR. SCHAFER: The St. Bernard Police Jury recommended May 15, right. By law it has to be closed by May 20.

MR. WILLE: Well, O. K., then we are living within our --

MR. BERRY: Well, the biologist said that the oysters start to set sometime in May.



MR. WILLE: Well, May 20 is when it is mandatorily closed. If we say from April 15 to May 15, and of course if we get evidence from the biologists that this seeding is started or these small oysters are coming in, why, the Director will have the power to close it right away, so I see no problem in the 30-day extension.

MR. DUPUY: Could you include in your motion the Director's authority to put in other stipulations like three-inch minimum?

MR. WILLE: Yes, I meant, in fact I had that in my original motion, with the three-inch limit.

MR. DUPUY: Any second?

MR. LAPEYRE: I will second it.

MR. DUPUY: It has been moved by Mr. Wille and seconded --

MR. VUNOVICH: Gentlemen, you have to make up your mind a little faster. The reason why I asked for the three-inch is because on the inside area where it is going to be closed they have a lot of little small oysters that are an inch, two inches, and when I asked for the three-inch law, I



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also included for the people who are bedding and who are going for the factory. That means if your boat is caught with little-bitty oysters on deck, it means they are shoveling back, that the Wild Life and Fisheries has the authority to tell them to throw them back in the water or do what they want, and I believe with the passing of the three-inch law, clause, in there it will make it easier, very, very easier for the department to enforce it. That is the only thing.

MR. SCHAFER: Can you poll the board of directors of the Association, Pete and get the answer back? Within a couple of weeks?

MR. VUNOVICH: Yes, I can do that, but I believe that if it as I suggested, with the three-inch law, I don't believe we will have too much opposition.

MR. WILLE: Well, we would like to have the input.

DIRECTOR ANGELLE: Does that apply to Bay Junop also, the three-inch?

MR. SCHAFER: Yes.

MR. VUNOVICH: I will do my best. I



will get on the phone and I will give Harry a call no later than about Friday.

MR. DUPUY: O. K. Gentlemen, you have heard the motion by Mr. Wille, seconded by Mr. Lapeyre. Any further discussion? Any opposition?

(No response)

So ordered.

(The full text of the resolution is here made a part of the record.)

WHEREAS, Act 616, adopted during the Regular Session of the 1974 Legislature, authorized the Louisiana Wild Life and Fisheries Commission to regulate the size limit and area closures after January 1 of each year on state controlled oyster seed grounds, and

WHEREAS, Commission biologists checked the oyster seed ground east of the Mississippi River, as well as Bay Junop in Terrebonne Parish, and found the outer reefs to have from 15,000 to 20,000 sacks of large oysters which could



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be harvested by the oyster fishermen rather than to have these oysters lost to predators and/or high salinity,

NOW THEREFORE BE IT RESOLVED that the Louisiana Wild Life and Fisheries Commission does hereby authorize and empower the Director to extend the oyster season in a certain area located east of the Mississippi River until May 15, 1986, with said extension being 30 days after the previously established closing date. The oyster seed grounds EXCLUDED from this season is that area west of a line that runs as follows:

Beginning at a point of land known as California Point. Thence N 18° W, 15,000' to a point known as Pelican Point. Then N 38° E, 6,000' to a point of land known as Telegraph Point. Thence N 50° W 6,000' to a point of land (this poing being located S 58° E,



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3,500' from U. S. C. & G. S.
Triangulation Station Iron). Thence
N 20° E, 4,500' to a point of land
(this point being located N 70° E,
4,000' from U. S. C. & G. S.
Triangulation Station Iron).
Thence N 11° W, 13,000' to the
most easterly point of land on Stone
Island. Thence N 32° E, 21,000'
to a point of land known as
Mozambique Point.

BE IT FURTHER RESOLVED that the
aforementioned extension of oyster season
shall also apply to the Bay Junop oyster
seed grounds in Terrebonne Parish.

NOW THEREFORE BE IT FURTHER
RESOLVED that only three-inch or larger
oysters can be harvested and those
harvested smaller in size shall be
culled back into the reefs. The
extended season after April 15, 1976,
can be closed on a 24-hour notice by
the Director of the Commission for



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biological purposes or for reasons of difficulty to enforce the three-inch law or oyster fishermen harvesting in closed areas.

MR. DUPUY: Mr. Ensminger.

MR. ALLAN ENSMINGER: Mr. Chairman and Gentlemen of the Commission, we have received a request from a Mr. Roland Mongrue of Luling, Louisiana, to utilize an airboat on our Salvador Wildlife Management Area in conjunction with a mineral operation that this gentleman is a part-interest holder and producer in. He has two wells, one of which is located on our Salvador Wildlife Management Area. The other well is located on the Netherland property that the Commission just recently purchased. These wells are accessible by conventional marine equipment by going through Cataouatche or Lake Salvador. However, there is a small trapping ditch that runs from the Louisiana Cypress Canal down to the well location and for years this gentleman has produced these wells, attended to his pumping operations, by the use of the airboat.



We feel that we can issue the man a permit to continue to use his airboat on the refuge with very stringent regulations and, of course, a cancellation clause in his permit if he is caught misusing the airboat or using the airboat for any other purpose or on any area other than the designated area set forth in his permit. With this I would recommend to the Commission that we do issue the man a permit to utilize his airboat in daylight hours only for access to these two well sites and incorporate regulations and clauses in the permit to regulate his use.

(Chairman Berry resumed the Chair.)

THE CHAIRMAN: Gentlemen, you have heard the recommendation. What is your pleasure?

MR. JONES: So move.

MR. LAPEYRE: Second.

THE CHAIRMAN: Moved by Mr. Jones, seconded by Mr. Lapeyre. Any objection?

(No response)

Hearing none, so ordered.

(The full text of the resolution is here made a part of the record.)



WHEREAS, the Louisiana Wild Life and Fisheries Commission recently purchased additional acreage within the boundaries of the Salvador Wildlife Management Area, and

WHEREAS, Mr. Roland Mongrue of Luling, Louisiana, is a part interest owner and operator of certain mineral facilities located on this property which require the use of an airboat for access, and

WHEREAS, he has requested permission to utilize an airboat for this purpose,

NOW THEREFORE BE IT RESOLVED that the Louisiana Wild Life and Fisheries Commission does hereby grant approval to Mr. Mongrue to utilize an airboat during daylight hours for access through the Louisiana Cypress Canal, Netherland West Canal, trapping ditch to Netherland No. 1 well location and trapping ditch to Waterford No. 1



well location, all located within the Salvador Wildlife Management Area, and

BE IT FURTHER RESOLVED that rules and regulations for the use of the airboat to gain access to the two producing wells which will be binding upon Mr. Mongrue will be agreed to by Mr. Mongrue, and

BE IT FURTHER RESOLVED that violations of these rules and regulations will automatically revoke the permit and the Director is hereby authorized to sign all documents pertaining to this matter.

THE CHAIRMAN: Thank you, Mr. Ensminger.
Mr. Joe Herring.

MR. DEWEY WILLS: Mr. Chairman and Members of the Commission, as a result of the spring floods in 1975, approximately ten and a half miles of fence on our Spring Bayou Wildlife Management Area were severely damaged. Originally the Federal Disaster Assistance administration approval for this damage was in the amount of \$31,332. We have



advertised on two occasions for bids, and a Mr. Jack Harper from Metairie was the only bidder on both occasions, with cost figures of \$43,784 for the first bid and \$42,467 for the second bid.

This made an overrun of approximately \$11,135 on the second bid. Then we requested from the Federal Disaster Administration a supplement to cover this \$11,135 and we have received a verbal bid for this supplement by telephone yesterday from the regional office. Therefore, it is our recommendation that the Commission authorize the Director to award this fence contract to Mr. Jack Harper of Metairie in the amount of \$42,467, contingent upon the receipt of written approval from the Federal Disaster Assistance Administration.

THE CHAIRMAN: Gentlemen, you have heard the recommendation.

MR. DUPUY: I will so move.

MR. JONES: Second.

THE CHAIRMAN: Moved by Mr. Dupuy and seconded by Mr. Jones. Is anybody opposed to it?

(No response)

So ordered.



(The full text of the resolution is here made a part of the record.)

WHEREAS, the spring flood of 1975 damaged approximately 10.5 miles of net wire fence on the Spring Bayou Wildlife Management Area, and

WHEREAS, the Federal Disaster Assistance Agency originally approved \$31,332 for this project, and

WHEREAS, this project has been advertised on two different occasions, and

WHEREAS, on both bid returns, Jack B. Harper, Contractor, Metairie, Louisiana, was the only bidder with cost figures of \$43,784 and \$42,467 for the first and second bid respectively, making a \$11,135 overrun on this project, and

WHEREAS, a supplement application to cover the \$11,135 overrun was made and approved verbally (by telecon 3-22-76)



by the FDAA,

THEREFORE BE IT RESOLVED
that the Louisiana Wild Life and
Fisheries Commission hereby authorizes
the Director of the Louisiana Wild
Life and Fisheries Commission to award
the fence contract to Mr. Jack B. Harper
of Metairie in the amount of \$42,467
contingent upon receipt of written
approval from the Federal Disaster
Assistance Agency which will make 100
percent federal funding available for
this construction project.

MR. WILLS: Thank you.

THE CHAIRMAN: Thank you, Mr. Dewey.
You are not as hard to convince as Mr. Herring
is sometimes.

We are ready for other business.

MR. THOMPSON: I would like to make a
statement and a motion before the Board. I have
had the pleasure to speak with Mr. Marvin Dietzen
who is the president of the Louisiana Wildlife
Workers Association. This is a similar organization



I believe that is being formed or has been formed to the enforcement agents. They have similar goals as the enforcement people did I assume in getting higher pay and better working conditions, et cetera, because when I talked with Marvin, he said he certainly was pleased that the enforcement had done such a good job and that maybe they could learn a little bit from them.

At this time I would like to place a motion before the Board that we go on record, as we did for the enforcement agents, supporting these people 100 percent in their efforts and lend them whatever assistance we might be able to.

MR. WILLE: Second.

THE CHAIRMAN: Moved by Mr. Thompson, seconded by Mr. Wille. Anybody opposed?

(No response)

So ordered.

(The full text of the resolution is here made a part of the record.)

WHEREAS, a new association has been formed by employees of the



Louisiana Wild Life and Fisheries Commission known as the Louisiana Wildlife Workers Association, and

WHEREAS, goals of this organization are for progressive wildlife management in Louisiana, and

WHEREAS, benefits gained by members of this association would be beneficial to the wildlife resources of Louisiana,

NOW THEREFORE BE IT RESOLVED that the Louisiana Wild Life and Fisheries Commission does hereby support, sanction, and encourage the Louisiana Wildlife Workers Association.

THE CHAIRMAN: Is there any other business before the Commission this morning? I will entertain a motion to adjourn.

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THE CHAIRMAN: At this time I would like to reopen the meeting again. We apparently overlooked something under Other Business.

MR. GERALD MARTINEZ: Mr. Chairman, Mr.



Angelle, Members of the Commission, the Commission, acting as administrator of the Natural and Scenic Rivers Systems Act issued a permit to Gifford Hill, Incorporated, on January 20 of this year.

Subsequent to that we received a petition from the Delta Chapter of the Sierra Club for an appeal of that permit. The petition requested an appeal under the Administrative Procedures Act, a section which applies strictly to parties to the proceedings. It is my opinion that the Sierra Club is not a party but under the guidelines and procedures that were adopted by the Commission for the administration of the Natural and Scenic Rivers Systems Act, persons who participate in a public hearing are entitled to an appeal before the full Commission, if they so request.

I have attempted to contact Mr. Michael Osborne, who is representing the Sierra Club in this matter, to ask him if he would amend his petition for appeal to apply for an appeal under the appropriate section, and it would be my recommendation that if he is agreeable to that, that the Commission set a special meeting subsequent to the



April meeting of the Board, for about two or three hours, scheduled, and find out how much time they will need to submit oral arguments and briefs on appeal. I would suggest starting at one o'clock that day, after the official meeting, and provide them with whatever time they may need to present oral argument.

THE CHAIRMAN: What we will do, I think, unless somebody objects to it, if we do have as short a meeting as we have been having lately, we will go ahead up to the noon hour and then recess and eat and come back at one o'clock and start again.

MR. MARTINEZ: All right.

THE CHAIRMAN: Is everybody agreeable to that?

THE DIRECTOR: We will be setting the shrimp season at the April meeting. That is a long meeting.

MR. JONES: Don't you have the authority to appoint someone to conduct the hearing for us?

MR. MARTINEZ: We have done that already. The guidelines and procedures provide



now for the full committee.

DIRECTOR ANGELLE: The attorney may not accept that offer. He may want a full, complete open hearing again, similar to what we had, and if so then we will go by the Board accordingly.

MR. MARTINEZ: Right. I think the guidelines and Administrative Procedures Act provide only for a hearing to present oral argument and briefs to the full Commission. He has indicated to me on a prior occasion that he wants to present additional testimony but I suggested to him that I don't think there is any authority for that.

MR. JONES: I move that we set the hearing.

DIRECTOR ANGELLE: And you will inform the Commission members exactly what the procedure will be.

MR. MARTINEZ: I will notify the members.

THE CHAIRMAN: That will be April 23 and 24?

MS. PENDLEY: The fourth Tuesday. That will be the 27th.

MR. THOMPSON: In April, that will be



the 26th and 27th.

MR. MARTINEZ: Right, April 26 and 27.
April 27 at one o'clock.

THE CHAIRMAN: April 27 at one o'clock.
Is there any other business to come
before the Commission this morning?

MR. JONES: Move we adjourn.

THE CHAIRMAN: We stand adjourned.

. . . Whereupon, at 11:15 o'clock
a.m., Tuesday, March 23, 1976,
the meeting was adjourned. . . .

Kathryn G. Chamberlin
Reporter.

